

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Ken Suddreth, Director of Community Development
Russell Martin, AICP, Senior Planner

Date: February 24, 2014

CC: Eric Taylor, City Administrator

RE: **ZONING AMENDMENT CASE Z14-007 – 1523 and 1531 Spring Street**

Applicant: JWB Properties, LLC

Existing Zoning: RAD-Conditional

Titleholder: SIG Spring Street, LLC

Proposed Zoning: RAD-Conditional

Size of Tract: 1.35 acres

Location: 1523 & 1531 Spring Street

Contiguous Zoning:

Land Lot: 593

North R-15 and RAD

South R-15 and RAD

Ward: 3

East R-15

West R-15

Access: Spring Street

Hearing Dates:

Existing Improvements: Vacant Lots

P&Z N/A

Mayor and Council March 17, 2014

Proposed Use:

Modification of zoning condition #1 of Zoning Case Z13-008 to allow for the use of hardy plank siding along Spring Street

Staff Recommendation:

Approval of the proposed zoning amendment with modification of zoning condition #1 of Z13-008.



STAFF COMMENTS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. The following provides the nine factors followed by an analysis of each factor in italics:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The zoning proposal will not change the use of the property. Therefore, the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

The zoning proposal will not change the use of the property. Therefore, the zoning proposal will not have an adverse affect on the existing use or usability of adjacent or nearby property.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject property has reasonable economic use as currently zoned.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

Based upon information provided by the City Engineer, the zoning proposal is not going to have an effect on the use of the existing streets and transportation facilities.

Based upon information provided by the City's Public Works Director, the zoning proposal is not going to have an effect on the use of existing facilities.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

The zoning of the subject property does conform to the Future Development Plan, which indicates the subject property has a land use designation of Moderate Density Residential. The zoning proposal will not change the use and development of the property. Therefore, the zoning proposal will not require a land use change from Moderate Density Residential.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

There are no existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

The zoning proposal will not enhance the architectural standards of the general neighborhood. Section 1201(1) of the Zoning Ordinance and Zoning Condition #1 of Z13-008 require the composition of homes in a residential subdivision to include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. Also, this section prohibits any elevation from being comprised of 100% hardy plank siding and the use of hardy plank siding for any elevation that faces an exterior street. The applicant is seeking approval to remove the part of the zoning requirement that prohibits the use of hardy plank siding on elevations along exterior streets.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The zoning proposal will not change the use of the property and will not create a nuisance or be incompatible with existing uses in the area.

9. Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.

The proposed homes for the development will remain unchanged from the homes elevations approved in Zoning Case Z13-008. Therefore, the size of the proposed use in either land area or building height will not have an adverse affect on the adjoining property or the general neighborhood.

The Mayor and Council approved the original rezoning from R-15 to RAD-Conditional for the development of four (4) single-family homes by a vote of 7-0 at the August 19, 2013 meeting. The approval of the rezoning was conditioned upon twenty-three (23) zoning stipulations. These zoning stipulations pertain to site development and architectural requirements. Zoning Condition #1 reads as follows, "The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to; brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads."

The applicant submitted building elevations and floor plans during the initial rezoning of the property, which were representative of the style of homes to be constructed within the subdivision. One of the proposed home elevations showed hardy plank siding on the front of the home. Since all the lots in the subdivision front on an exterior road (Spring Street), the use of hardy plank siding is prohibited on the front elevations facing Spring Street. The applicant is requesting the elimination of the requirement that prohibits the use of hardy plank siding on the elevations facing exterior streets. The applicant has acknowledged he did not read the zoning stipulations and did not catch this zoning requirement during the initial rezoning. The applicant is seeking approval to use hardy plank siding on elevations facing Spring Street according to the home elevations submitted during the initial zoning of the property.

Community Development recommends **approval** of the proposed zoning amendment for 1523 and 1531 Spring Street for the modification of zoning stipulation #1 Zoning Case Z13-008. The modification to the zoning conditions is provided below (Highlighted in yellow):

**Standard Conditions
(Requirements #2, 8, 9, 10, 12 and 17 from Section 1201 of the Zoning Code are not applicable)**

1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. ~~The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.~~
2. There shall be protective covenants with a mandatory homeowners association on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.
3. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.
4. The detention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
5. All utilities within the development shall be underground.
6. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided

between the back of curb and sidewalk. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.

7. No debris may be buried on any lot or common area.
8. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
11. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees, unless otherwise approved by the City's Arborist. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

12. The development shall maintain the following setbacks:
 - Front – 20'
 - Side (exterior) – 7'
 - Side (interior) – 5' with a minimum of 10' between buildings
 - Rear – 40'
13. The development shall be developed with a minimum lot size of 10,200 square feet.
14. The proposed homes shall have a minimum floor area of 2,200 sq. ft.
15. Driveway – 22' minimum length from building face to edge of shared driveway. Each unit shall have a two-car garage.
16. The final plat for the development shall include a right-of-way dedication of 5' along Springs Street.
17. A new 5' sidewalk shall be constructed along Spring Street.
18. Water quality shall be provided in accordance to the City's Stormwater Management Ordinance.
19. The applicant shall work with the City Engineer to remedy sight distance issues along Spring Street. The applicant shall be responsible for any improvements deemed necessary by the City Engineer.

20. The developer shall create deed covenants for the shared driveway in which the ownership, maintenance, and utilization are the shared responsibility of the HOA. These covenants must be supplied to the City prior to the issuance of a building permit.
21. Approval of the subject property for the Residential Attached Detached (RAD) zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 7/25/2013 created by DGM Land Planning Consultants. The Community Development Director shall review and approve all minor changes and revision to the site plan during the plan review process.
22. The applicant shall be bound to the elevations submitted and dated 7/25/2013. Approval of any change to the elevations must be obtained from the Director of Community Development.
23. The approval of the rezoning is subject to the stipulations agreed upon by the applicant in the letter submitted and dated July 25, 2013 by Garvis Sams with Sams, Larkin, and Huff, LLP. If there should be a discrepancy between the stipulations in the July 25, 2013 letter and the stipulations stated above, the stipulations stated above shall apply.

Figure – 1
Subject Property



Figure – 2
Adjoining Property to the West



Figure – 3
Adjoining Property to the East



Figure – 4
Adjacent Property to the South Across Spring Street

